

# Title VI Implementation Plan Update

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Michael Hancock, Secretary  
Tyra L. Redus, Esq., Executive Director  
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Office for Civil Rights and Small Business Development



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## I. GLOSSARY/DEFINITIONS

**Affirmative Action:** a good-faith effort to eliminate past and present discrimination in all federally assisted programs and to ensure future nondiscriminatory practices.

**African Americans:** A person having origins in any of the black racial groups of Africa.

**American Indian or Alaska Native:** A person having origins in any of the original peoples of North and South America (including Central America) who maintains cultural identification through tribal affiliation or community attachment.

**Applicant:** an eligible public entity or organization that submits an application for financial assistance under a program administered on behalf of the State.

**Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

**Assurance:** A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer federally assisted programs in accordance with civil rights laws and regulations.

**Beneficiary:** any person or group of people (other than states) entitled to receive benefits, directly or indirectly, from any federally assisted program (*e.g.*, relocated persons, impacted citizens, communities, etc.).

**Black:** (see *African Americans* above.)

**Citizen participation:** an open process in which the rights of the community to be informed, to provide comments to the Government and to receive a response from the Government are met through a full opportunity to be involved and to express needs and goals.

**Complaint:** A verbal or written allegation of discrimination that indicates that a federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin.

**Compliance:** a satisfactory condition wherein an applicant, recipient, or sub recipient has effectively implemented all of the Title VI requirements or can demonstrate that every good-faith effort toward achieving this end has been made.

**Contract:** a mutually binding legal relationship or any modification thereof obligating the seller to furnish supplies or services, including construction, and obligating the buyer to pay for them. Throughout this document, a lease is considered a contract.

**Contractor:** any person, corporation, partnership, organization, or incorporated association that participates, through a contract or subcontract, in any program or activity covered by this plan, including lessees.

**Disadvantaged business:** business that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged. A publicly owned business may be considered an SDB if, one or more such individuals unconditionally own at least 51 percent of its stock and if one or more such individuals control the public company's management and daily business.

**Discrimination:** involves any act or inaction, whether intentional or unintentional in any program or activity of a Federal-aid recipient, sub recipient, or contractor, which results in disparate (unfavorable) treatment, disparate impact, or perpetuating the effects of prior discrimination based on race, color, sex, national origin, age, disability or in the case of disability, failing to make a reasonable accommodation.

**Division:** one of the administrative subdivisions of an office of the Kentucky Transportation Cabinet. The term *district* should be considered equivalent to *division* as an administrative subdivision of an office of the KYTC.

**Executive Directors:** In accordance with KRS 12.040, the departmental heads of the Kentucky Transportation Cabinet (KYTC) are responsible to the KYTC Secretary for the direction of their respective divisions and have authority to appoint Title VI Designee(s) within their divisions.

**Federal assistance:**

- Grants and loans of federal funds
- The grant or donation of federal property and interests in property
- The detail of federal personnel
- The sale and lease of, and the permission to use (on other than a casual or transient basis), federal property or any interest in such property without consideration or with nominal consideration, or with consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient
- Any federal agreement, arrangement, or other contract that has, as one of its purposes, the provision of assistance

**Federal Highway Administration or FHWA:** agency within the U.S. Department of Transportation that supports State and local governments in the design, construction, and

maintenance of the Nation's highway system (Federal Aid Highway Program) and various federally and tribal owned lands (Federal Lands Highway Program).

**Grantee:** any public or private agency, institution, or organization to whom federal financial assistance is intended for any program.

**Hispanic or Latino:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

**Kentucky Transportation Cabinet or KYTC:** the agency of Kentucky charged by its laws with the responsibility for all modes of transportation.

**Limited English Proficiency or LEP:** Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient.

**Metropolitan Planning Organization or MPO:** policy board of an organization created and designated to carry out the metropolitan transportation planning process. MPOs are required to represent localities in all urbanized areas (UZA) of populations over 50,000, as determined by the US Census. MPOs are designated by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city, based on population, as named by the Bureau of the Census) or in accordance with procedures established by applicable State or local law. When submitting the transportation improvement program (described below), to the State for inclusion in the statewide program, MPOs self-certify that they have met all Federal requirements.

**Minority:** A person or groups of persons differing from others in some characteristics who may be subjected to differential treatment based on race, color, or national origin. Includes African Americans, Hispanics or Latinos, *American Indian or Alaska Native, Asians, and Native Hawaiian or Other Pacific Islander*.

**Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

**Non-compliance:** the condition wherein a recipient has failed to meet prescribed requirements and has shown a lack of good-faith effort in implementing all of the Title VI requirements.

**Non-minority or non-minority group people:** Caucasians

**Persons:** Where designation of persons by race, color, or national origin is required, the following designations ordinarily may be used: "White not of Hispanic origin," "Black not of Hispanic origin," "Hispanic," "Asian or Pacific Islander," "American Indian or Alaskan

Native." Additional subcategories based on national origin or primary language spoken may be used, where appropriate, on either a national or a regional basis.

**Primary recipient:** KYTC or any department, division, or agency authorized to request federal assistance on behalf of sub-recipients and to distribute financial assistance to sub-recipients' contracts for carrying out a program.

**Program:** includes any highway, project, or activity that provides services, financial aid, or other benefits to individuals, including education or training, work opportunities, health, welfare, rehabilitation, housing, or other services, whether provided directly by the recipient of federal financial assistance or provided by others through contracts or other arrangements with the recipient.

**Program area officials:** the officials who are responsible for carrying out technical program responsibilities.

**Recipient:** Kentucky, or any political subdivision or instrumentality thereof; or any public or private agency, institution, or organization, or other entity; or any individual in Kentucky to whom federal assistance is extended, either directly or through another recipient, for any program. Recipient includes any successor, assignee, or transferee thereof. The term **recipient** does not include any ultimate beneficiary under any such program. Examples of recipients include MPO's, COG's, towns, cities, counties, school districts, or any sub recipient.

**Secretary:** The chief administrative officer of the Kentucky Transportation Cabinet or KYTC.

**Statewide Transportation Improvement Program or STIP:** statewide transportation improvement program (STIP) for all areas of the State, covering a period of at least four years. The STIP is a staged, multi-year, statewide intermodal program of transportation projects, consistent with the statewide transportation plan and planning processes as well as metropolitan plans, transportation improvement programs (TIP), and planning processes. The STIP must be developed in cooperation with the metropolitan planning organizations (MPO), public transit providers, and any Regional Transportation Planning Organizations (RTPO) in the State, and must be compatible with the TIPs for the metropolitan areas in the State.

**Statewide Transportation Plan or STP:** a long-range transportation plan that provides for the development and implementation of the multimodal transportation system (including transit, highway, bicycle, pedestrian, and accessible transportation) for the State. This plan must identify how the transportation system will meet the State's economic,

transportation, development, and sustainability goals for at least a 20-year planning horizon.

***Sub-grantee:*** Any public or private agency, institution, or organization to whom federal financial assistance is intended (through another recipient) for any program.

***Transportation Improvement Programs or TIP:*** plan developed by Metropolitan Planning Organization cooperation with the State and public transit providers detailing a list of upcoming transportation projects, covering a period of at least four years. It should include capital and non-capital surface transportation projects, bicycle and pedestrian facilities and other transportation enhancements, Federal Lands Highway projects, and safety projects included in the State's Strategic Highway Safety Plan. The TIP should include all regionally significant projects receiving FHWA or FTA funds, or for which FHWA or FTA approval is required.

***Title VI Coordinator:*** refers to the responsible KYTC official in matters relating to Title VI. The Title VI Coordinator reports to and assists the Executive Director of OCRSBD in carrying out the Title VI responsibilities of the Kentucky Transportation Cabinet.

***Title VI Program:*** the system of requirements developed to implement Title VI of the Civil Rights Act of 1964. When appropriate, the phrase "Title VI requirements" also refers to the civil rights provisions of other federal statutes to the extent that they prohibit discrimination on the grounds of race, color, sex, age, disability, or national origin in programs or activities receiving federal financial assistance.

***White:*** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

## **II. OVERVIEW & POLICY STATEMENT**

Title VI of the Civil Rights Act of 1964 is a non-discrimination statute. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d). Each Federal department and agency, which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, federal personnel, or any federal agreement contract is authorized and directed to make the provisions of Section 2000d of this title.

The Kentucky Transportation Cabinet works to ensure nondiscriminatory transportation in support of our mission to provide a safe, secure, reliable, highway system that ensures the efficient mobility of people and goods, thereby enhancing both the quality of life and the economic vitality of the Commonwealth.





Steven L. Beshear  
Governor

## TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.transportation.ky.gov/

Michael W. Hancock, P.E.  
Secretary

### TITLE VI POLICY STATEMENT

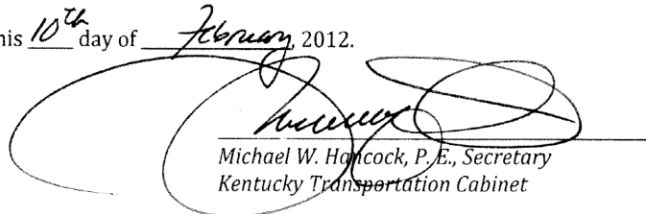
OFFICIAL ORDER 107328

It is the policy of the Kentucky Transportation Cabinet ("Cabinet") to afford equal opportunity to all persons to the end that no person in the United States shall, on the grounds of race, color, sex, disability, age or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the U. S. Department of Transportation.


Program and activities to which this policy applies include, but are not limited to, the use of grants in connection with federal-aid highway systems, the Surface Transportation and Relocation Assistance Act of 1987, the Highway Safety Act of 1966, and the National Traffic and Motor Vehicle and Safety Act of 1966, leases of real property and the grant of permits, licenses, easements and rights of way covering real property, Urban Mass Transportation Research Programs, and other grants for the support of basic scientific research.

This policy shall be prominently posted in all personnel office, EEO offices, and on the Cabinet's internal website.

Signed and approved this 10<sup>th</sup> day of February, 2012.

  
Michael W. Hancock, P.E., Secretary  
Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY

  
Todd Shipp, Esq., Special Assistant  
Office of Legal Services

I have read this policy statement and understand the provisions contained within and acknowledge the receipt of this policy.

Signature

Date

Social Security Number



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### **III. SCOPE of TITLE VI APPLICABILITY to PROGRAMS and ACTIVITIES**

Title VI of the Civil Rights Act of 1964 states that “no person shall be denied or excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial assistance. Specifically prohibited discriminatory practices in federally assisted programs include, but not limited to, the following:

- Denial to an individual of any service or benefit provided under the program.
- Distinctions in quality, quantity, or manner in which the benefit is provided.
- Disparate impact or separate treatment in any of the programs providing services to individuals.
- Different standards or requirements for benefits or participation in services provided.
- Discrimination in any activities/programs conducted in a facility built in whole or in part with Federal financial assistance.
- Methods of administration which directly or through contractual relationships would defeat or substantially impair the accomplishment of effective nondiscrimination.

#### **IV. RESPONSIBLE OFFICIAL**

##### **A. Secretary**

The Governor of Kentucky appoints the Kentucky Transportation Cabinet's Secretary. The Secretary is responsible for organizing and administering the KYTC. Each Title VI program area has designated a Title VI Liaison to assist in their department's compliance efforts. Program areas are responsible for the collection and maintenance of beneficiary participation.

##### **B. Executive Director Office for Civil Rights and Small Business Development**

The Executive Director is responsible for the Cabinet's adherence and compliance with Equal Opportunity, Title VI, and Small Business Development (Disadvantaged Business Enterprise Program) via program implementation and policy development.

The Office for Civil Rights and Small Business Development is responsible for the following:

- Monitoring Equal Employment Opportunity programs, including enforcement of Titles VI and VII of Civil Rights Act
- Investigating all complaints of discrimination based on race, sex, religion, disability, ethnic origin, age, sexual orientation, veteran status, and gender
- Counseling at-risk employees and employees facing disciplinary action or identified as having difficulties that may interfere with or jeopardize employment
- Administering, coordinating, supports, and monitors progress of Disadvantaged Business
- Enterprise (DBE) Program and Supportive Services/On-the-Job Training Programs
- Publishes directory of certified and prequalified DBE firms
- Certifies small businesses owned and controlled by socially and economically disadvantaged individuals, including minorities and women, to participate in USDOT assisted contracts in accordance with 49 Code of Federal Regulations 26 (49 CFR Part 26)

##### **C. Civil Rights Branch Manager/Affirmative Action Officer**

The Civil Rights Branch Manager/Affirmative Action Officer (AAO) is responsible for the oversight and coordination of KYTC's compliance with the affirmative action programs and internal equal employment opportunity investigations and all related statutes, regulations, and directives. General responsibilities of the Civil Rights Branch Manager/AAO include but

are not limited to updating the KYTC's Affirmative Action Plan, the State Employment Practice Report, and providing district directors with data on hiring accomplishments and areas of opportunity.

#### D. Title VI Coordinator

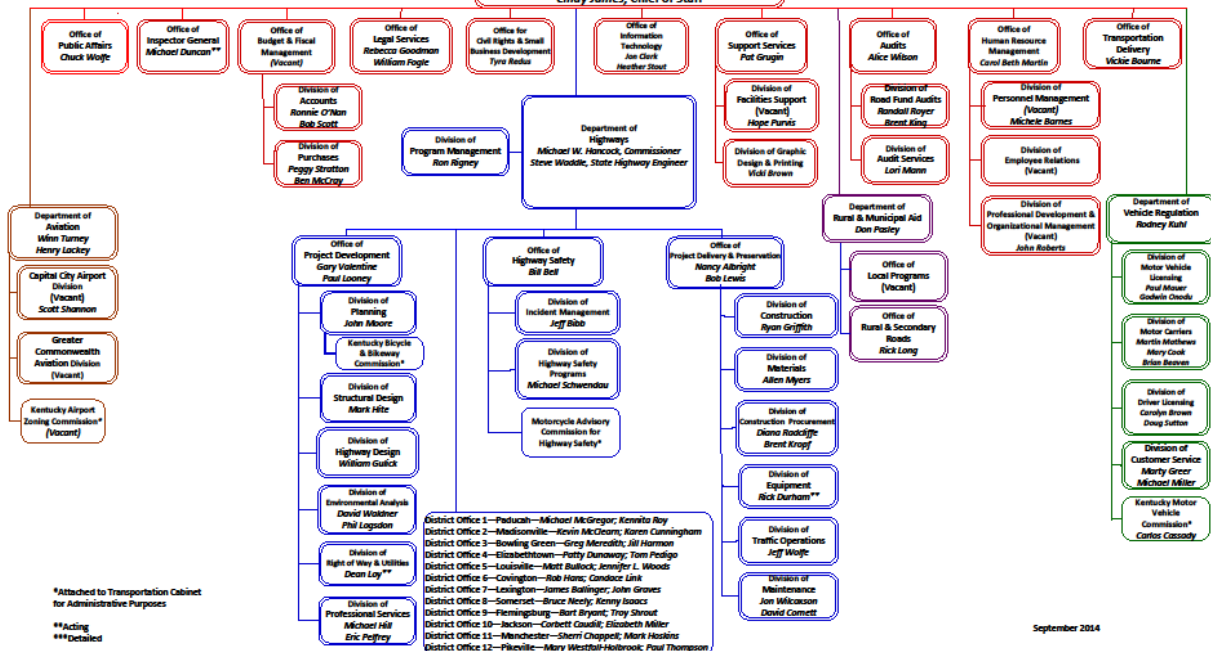
The Title VI Coordinator is responsible for the oversight and coordination of KYTC's compliance with Title VI and all related statutes, regulations, and directives. The Title VI Coordinator has direct access to the KYTC's Secretary (CEO). General responsibilities of the Title VI Coordinator include but are not limited to the following:

- Coordinating Title VI program development with Area Development District's (ADDs), Metropolitan Planning Organizations (MPOs), and division managers.
- Establishing procedures for processing Title VI reviews
- Coordinating training Title VI training for sub-recipients and stakeholders.
- Preparing required reports
- Providing guidance and advice on the Title VI Program
- Participating in the design, development, and dissemination of Title VI information to the public
- Annually updating KYTC's Title VI Implementation Plan



ORGANIZATIONAL CHART

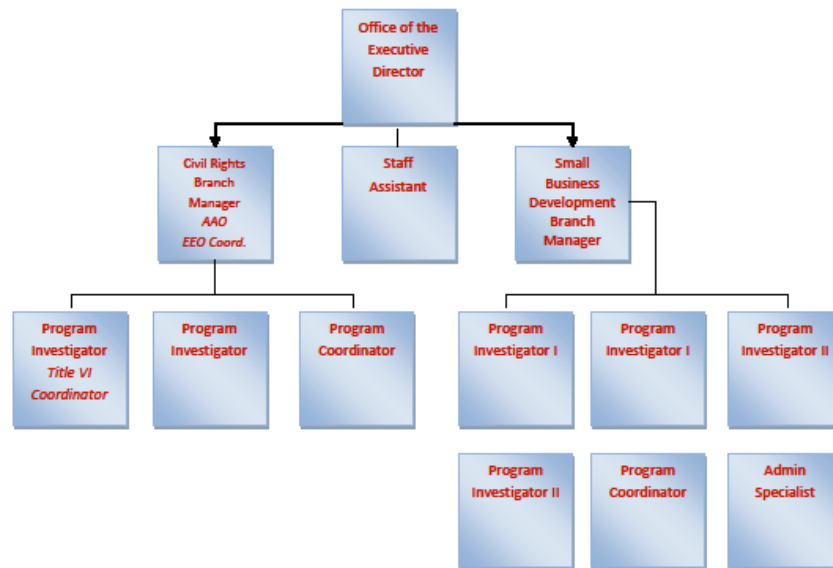
OFFICE OF THE SECRETARY  
Michael W. Hancock, Secretary  
Russ Romine, Deputy Secretary  
Cindy James, Chief of Staff



September 2014

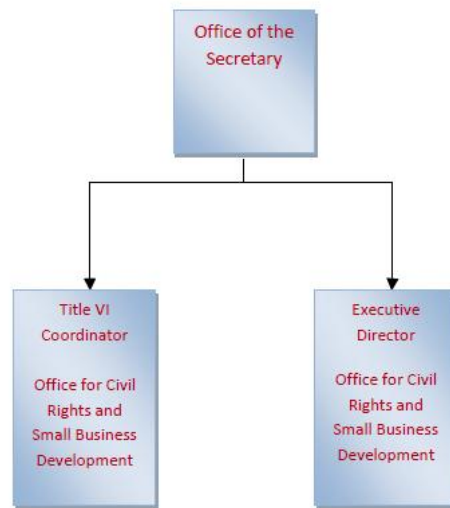
Office for Civil Rights and Small Business Development  
Organizational Chart 2014

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## KYTC Title VI Reporting Structure

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**V.**

**STATEMENT OF  
ASSURANCES**



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**Steven L. Beshear**  
Governor

**TRANSPORTATION CABINET**  
Frankfort, Kentucky 40622  
www.transportation.ky.gov/

**Michael W. Hancock, P.E.**  
Secretary

Official Order 107477

### STANDARD TITLE VI ASSURANCE

#### Kentucky Transportation Cabinet Standard Title VI Assurances

The Kentucky Transportation Cabinet, (hereinafter referred to as the "Recipient") hereby agrees that as a condition to receiving any Federal financial assistance from the U. S. Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d 42 U.S.C. 2000d-4 (hereinafter referred to as the "Act"), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, (49 CFR, Part 21) Nondiscrimination in Federally Assisted Program of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964 (hereinafter referred to as the "Regulations") and other pertinent directives, to the end that in accordance with the Act, Regulations, and other pertinent directives, no person in the United States shall, on the grounds of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the U.S. Department of Transportation, including the Federal Highway Administration, and hereby gives assurance that it will promptly take any necessary measures to effectuate this agreement. This assurance is required by subsection 21.7(a)(1) of the Regulations.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal-aid Highway Program:

1. That the Recipient agrees that each "facility" and each "program" as defined in subsections 21.23(b) and 21.23(e) of the Regulations will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations made in connection with the Federal-aid Highway Program and, in a adapted form in all proposals for negotiated agreements.



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### Construction Proposals

The Kentucky Transportation Cabinet, Department of Highways in accordance with the provisions of the Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the regulations of the Federal Department of Transportation (49 CFR, Part 21), issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that the contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the grounds of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.

### Agreements for Other Services

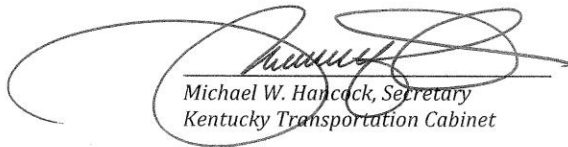
Compliance with Regulations: The Consultant shall comply with the regulations of the Transportation Cabinet, Department of Highways, relative to nondiscrimination in Federally Assisted Programs of the Transportation Cabinet, Department of Highways (49 CFR, Part 21) which are herein incorporated by reference and made a part of this contract.

3. That the Recipient shall insert one of these nondiscrimination clauses in every contract subject to the Act and the Regulations.
4. That the Recipient shall also insert into every relevant contract a clause stating that contractors will not discriminate against any employee or applicant for employment because of race, color, national origin, sex, age (over 40), religion, sexual orientation, gender identity, veteran status, or disability.
5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, these assurances shall extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form of, or for the acquisition of real property, these assurances shall extend to rights to space on, over, or under such property.
7. That these assurances obligate the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, real property or interest therein or structures or improvement thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.

8. The recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation, or the delegated authority, to give a reasonable guarantee that it, other recipients, sub grantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed by or pursuant to the Act, the Regulations and these assurances.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and these assurances.

These assurances are given in consideration of, and for the purpose of, obtaining any and all Federal grants, loans, contracts, property, discounts, and/or other Federal financial assistance extended after the date hereof, to the Recipient by the U. S. Department of Transportation under the Federal-aid Highway Program. The person whose signature appears below is authorized to sign these assurances on behalf of the Recipient.

Signed and approved this 15<sup>th</sup> day of May, 2012.

  
Michael W. Hancock, Secretary  
Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY

  
Rebecca W. Goodman  
Office of Legal Services

## **V. PROGRAM REVIEW PROCEDURES**

Each division within KYTC and all of its departments and program areas are responsible for the following under Title VI:

- Collecting and analyzing data on minority and low income populations to determine the potential impact of proposed plans, programs, and projects
- Ensuring all contract documents contain the appropriate Title VI provisions
- Consulting with the Title VI Coordinator and the OCRSBD Executive Director when complaints are received or issues arise during a public hearing/meeting
- Ensuring that all people are treated equitably regardless of race, color, national origin
- Monitoring Title VI accomplishments , notifying the Title VI Coordinator of problem areas and summarizing activities for inclusion in the Title VI Plan Update
- Developing and updating internal policies and procedures to ensure Title VI compliance during all phases of projects, activities
- Ensuring that all business pertaining to the selection, negotiation, and administration of consultant contracts and agreements is accomplished without discrimination based on race, color, national origin
- Ensuring that efforts are made to include minority and women owned businesses in consideration for contracts
- Ensuring that internal and external publications and all other relevant communications disseminated to the public include the Title VI policy reference
- Providing reasonable accommodations, information in the appropriate language or interpreters as needed for individuals with disabilities and LEP persons

### **A. KYTC CORE PROGRAM AREA REPORTING**

The KYTC currently receives funds from the U.S. Department of Transportation (U.S.D.O.T.) Federal Highway Administration (FHWA). As a recipient of federal funds the KYTC, pursuant to Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, 49 CFR Part 21 – U.S.D.O.T. Title VI Regulations, and 23 CFR 200 – FHWA Title VI Regulations, is required to ensure that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination on the grounds of race, color, or national origin under any program or activity receiving Federal financial activity assistance from the U.S.D.O.T.

To aid in compliance with 23 CFR 200.9(b) (10), all core program areas must submit an annual report to the Title VI Coordinator to be used as an assessment tool to determine whether the program area is in compliance with Title VI and to ascertain instances where the Title VI Coordinator may need to provide or request training

and technical assistance to help the program area achieve its Title VI goals and maintain compliance. In addition, the Title VI Coordinator will review the data collection methods for each program area periodically to ensure compliance with KYTC's Title VI Program requirements. Title VI Liaison for each area should prepare the report and submit it annually on May 31.

Each report should contain the following information:

- Demographic information collected during the service delivery process
- Information concerning the dissemination of copies of The Civil Rights Act of 1964 non-discrimination statement
- Description of steps taken to ensure meaningful access to programs, activities, and services to LEP persons
- Description of costs using dollar amount incurred during the year while related to the LEP service provision
- Analysis of whether existing assistance meets LEP needs of those served by the program area and if not, a description of those needs
- Information regarding the viability of current LEP assistance sources, if applicable
- Description of Title VI training attended by division personnel, ADD's and MPO's, to include roster of attendees, dates, and locations of the training and information regarding the sponsoring organization

The Title VI Coordinator will discuss with manager(s) effective tools to correct any discrimination that may have been found in the Program area.

#### **B. PROGRAMS OR ACTIVITIES SUBJECT TO TITLE VI**

KYTC program areas with Title VI responsibilities include the following KYTC's departments/divisions/office:

- Department of Highways - Research
- Office of Program Planning and Management - Planning and Consultant
- Office of Project Development - Design, Environmental Analysis, and Right of Way
- Office of Project Delivery - Construction and Contract Administration
- Office of Transportation Delivery - Transportation Delivery
- Office of Human Resource Management - Education and Training
- Office for Civil Rights and Small Business Development Administration
- ADD and MPO

### **C. SPECIAL EMPHASIS PROGRAM AREAS**

The assessments conducted by KYTC in FY14 revealed the Cabinet needs to provide continuing education and Title VI training to its internal personnel on their responsibilities and provide Title VI training to the sub-recipients and their respective Title VI liaisons.

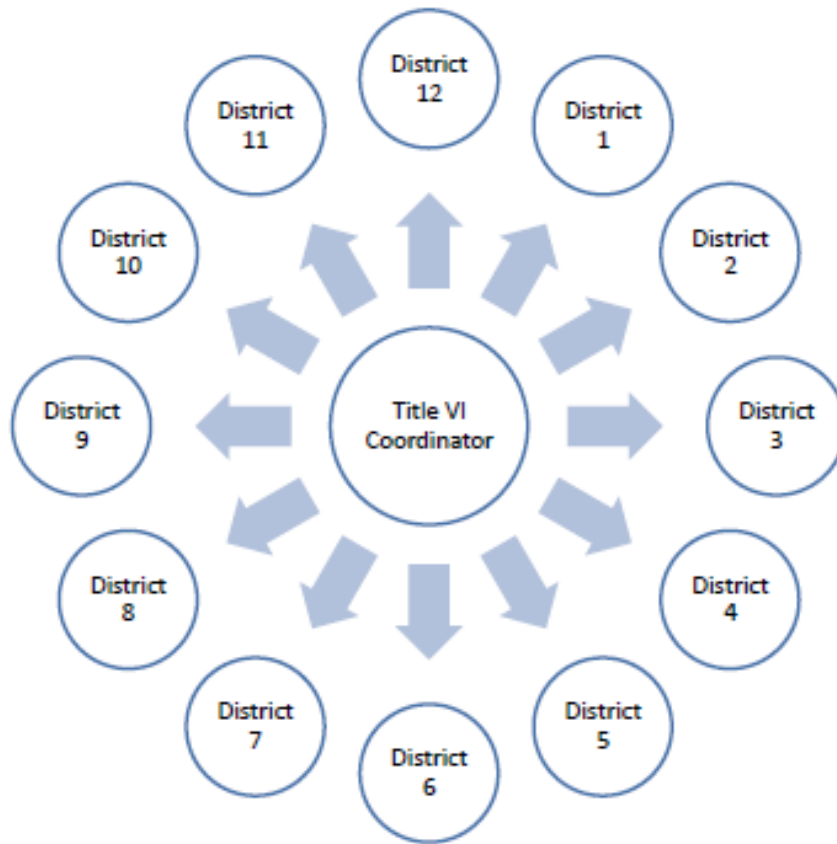
(See page 52, “Compliance and Non-compliance Reporting” for details on the KYTC’s procedures for identifying special emphasis program areas and how non-compliance is addressed.)

#### **TITLE VI SPECIAL EMPHASIS AREAS**

- Research
- Planning and Management - Planning and Consultant
- Design
- Environmental Analysis
- Right of Way
- Construction and Contract Administration
- Maintenance
- Professional Services

## Title VI Data Flowchart

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## **VII. SUB-RECIPIENT REVIEWS**

Sub-recipients of Federal aid in Kentucky include Metropolitan Planning Organizations (MPOs), Area Development Districts (ADDs), and councils of government, universities, and airport authorities.

The nine Metropolitan Planning Organizations in Kentucky as listed below.

- Clarksville MPO
- Evansville-Henderson MPO
- Owensboro MPO
- Radcliff-Elizabethtown MPO
- Louisville MPO
- Bowling Green MPO
- Cincinnati/Northern Kentucky MPO
- Lexington MPO
- Ashland MPO

The 15 Area Development Districts are as follows:

- Barren River ADD
- Big Sandy ADD
- Bluegrass ADD
- Buffalo Trace ADD
- Cumberland Valley ADD
- FIVCO ADD
- Gateway ADD
- Green River ADD
- Kentucky River ADD
- KIPDA ADD
- Lake Cumberland ADD
- Lincoln Trail ADD
- Northern Kentucky ADD
- Pennyrile ADD
- Purchase ADD

The Commonwealth of Kentucky is comprised of 120 counties and approximately 425 cities. The Kentucky Transportation Cabinet is divided in 12 Districts, each of which is equipped with an Administrative Coordinator who has access to the Title VI Coordinator. (see next page)

The Title VI Coordinator will review all ADD's and MPO's triennially using the FHWA's Nondiscrimination /Title VI Review Guidelines. The Title VI Coordinator will collaborate with Program Area Title VI Liaisons to conduct periodic pre-grant and post-grant reviews

of select sub-recipients of Federal Highway Administration funds or other federal funds for other roadway projects (i.e. bridges) to ensure adherence to Title VI requirements. Appropriate staff members will routinely confirm that guidelines provided to consultants, contractors, and sub-recipients include Title VI language, provisions, and related requirements, where applicable.

#### KYTC TITLE VI ONSITE REVIEW WORKPLAN\*

FY 15- Louisville Airport & KIPDA October 2014

Training – Kentucky Transportation Cabinet employees, sub-recipients, stakeholders, and beneficiaries (if any)

FY16- Lexington Airport, Bluegrass ADD, Kentucky Transportation Center (UK's campus), Lake Cumberland ADD, Lexington MPO

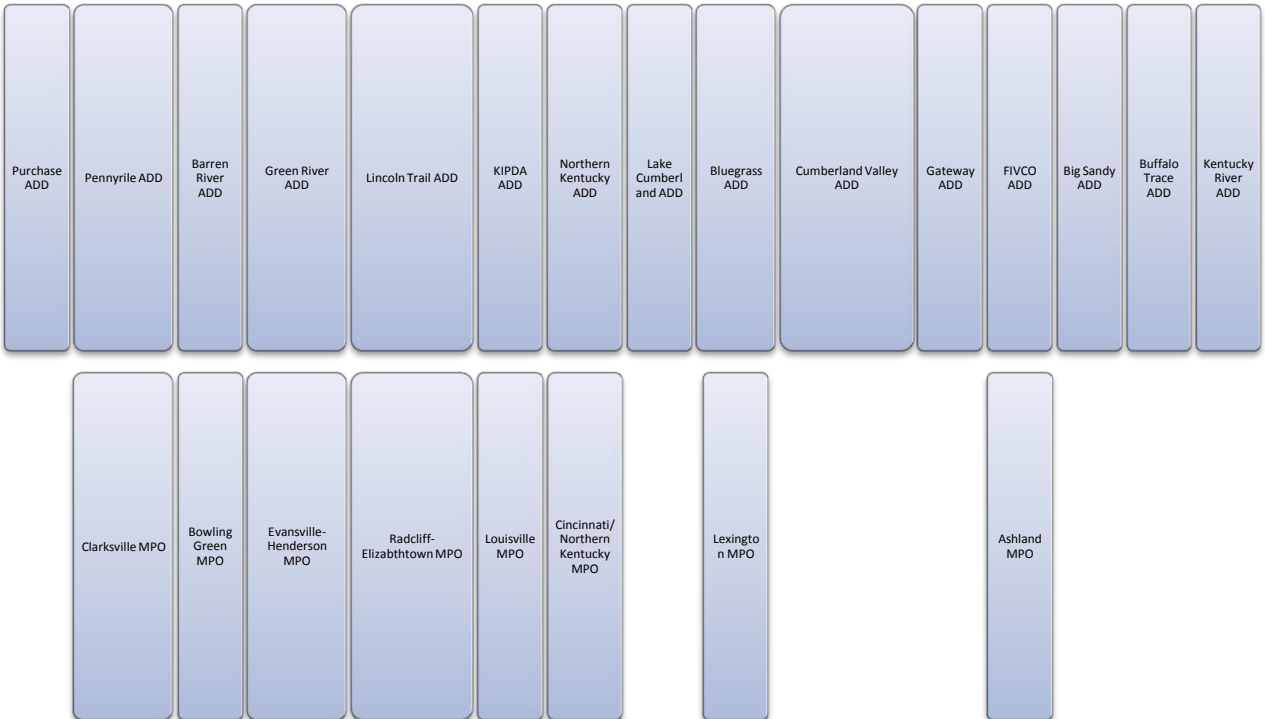
FY 17- Purchase ADD, Green River ADD, Evansville-Henderson MPO, Owensboro MPO, Radcliff-Elizabethtown MPO, Lincoln Trail ADD, Clarksville MPO

FY18- OKI MPO, Northern KY Airport, Northern KY ADD, Buffalo Trace ADD, Gateway ADD, Lake Cumberland ADD, Cumberland Valley ADD

FY19 – FIVCO ADD, Big Sandy ADD, Kentucky River ADD, Gateway ADD, Ashland MPO

\*The Title VI Coordinator reserves the right to alter the schedule if assessments reveal implications that require additional assistance.

# Title VI Coordinator



## **VIII. DATA COLLECTION/REPORTING/ANALYSIS**

Statistical data on race, color, national origin, sex, age, and disability of participants in and beneficiaries of the KYTC's programs, (e.g., affected populations, and participants) will be gathered, analyzed, and maintained by the Cabinet to determine the transportation investment benefits and burdens to the population, including minority and low-income populations. Each of the Cabinet's Program Emphasis Areas will maintain data relative to their programs and activities. Data gathering procedures will be reviewed regularly to ensure sufficiency of the data in meeting the requirements of Title VI program administration. Analysis of the data collected by the program emphasis areas may include:

- The race, color, and national origin of the population eligible to be served
- Socioeconomic Assessment to evaluate project's potential impacts to the human environment
- Persons to include in the decision making process
- Percent of benefits allocated to persons below the poverty line vs. persons above the poverty line
- Distribution of benefits (dollars, facilities, systems, projects) to groups and communities
- Projected population increases versus planned facilities and types of facilities
- Language needs assessment
- Transportation needs of all persons within boundaries of plans or projects
- Strategies to address impacts
- The manner in which services are or will be provided and the related data necessary for determining whether any persons are or will be denied such services on the basis of prohibited discrimination
- The location of existing or proposed facilities connected with the program and related information for determining whether the location has or will have the effect of unnecessarily denying access to any persons on the basis of prohibited discrimination
- The present or proposed membership, by race, color, national origin, sex, disability and age, in any planning or advisory body which is an integral part of the program
- Strategies to disseminate information

## **IX. AGENCY TITTLE VI TRAINING PLAN**

In-service training programs for employees will continually inform appropriate staff members of their responsibility to render high quality services to all clients regardless of race, color, or national origin.

The KYTC will provide written notice to all current employees concerning the KYTC's commitment to assuring compliance with Title VI and include a Title VI module in its New Employee Orientation program.

During this reporting period, the KYTC worked with the FHWA – HCR Specialist to identify and schedule appropriate training sessions for all KYTC employees.

The Title VI Coordinator will attend and subsequently disseminate the benefit of the training to pertinent KYTC staff, Title VI Liaisons, and program office heads. Sub-recipients and beneficiaries (if any) shall be provided with explanatory materials and technical assistance as necessary to ensure their knowledge of, and compliance with, Title VI requirements.

The KYTC OCRSBD plans to provide in-person training to employees, sub-recipients, and stakeholders during 2015, and annually thereafter.

## **X. Complaint Procedures**

### **Synopsis**

This Title VI Implementation Plan requires immediate notification to top management of any complaint or allegation of discrimination, and assigns the responsible program office with the primary responsibility for evaluation and resolution of a complaint. The Title VI Coordinator and general counsel staff provide assistance to the KYTC Office of the Secretary.

The investigative file, investigative report, and recommended decision (s) are forwarded to the Federal Highway Administration (FHWA), Headquarters Civil Rights (HCR) Office via the FHWA Division Office for final disposition. All Final Agency Decisions (FAD) and dismissals will be issued by HCR. Investigators and other KYTC personnel will seek to informally resolve the complaint at every opportunity during the investigation.

This plan is for acknowledgment and investigation of an inquiry, comment, or complaint of discrimination received by the KYTC or, per FHWA's request.

### **Purpose**

To specify the process to be employed by the KYTC and its recipients to investigate complaints, while ensuring due process for complainants. The process does not preclude the responsible office or other authorized KYTC personnel from attempting to resolve complaints informally.

### **Applicability**

The complaint procedures outlined herein apply to the KYTC and its recipients in the administration of the Federal-Aid Highway Program.

### **Nondiscrimination Policy**

See Appendix D

## **Filing of Complaints**

### ***Persons Eligible to File***

Any person who believes that he/she or any specific class of persons has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities, based upon race, color, sex, age, national origin, or disability may file a written complaint. The complaint may be filed by the affected individual or a representative and must be reduced to writing.

### ***Time of Filing and Contact***

Complaints should be filed within 180-calendar days from the date of the alleged discriminatory act. Complaints may be filed in person, via mail, fax, e-mail (which includes a copy of the signed/dated complaint as an attachment), or by other alternatives for any person requiring a reasonable accommodation to the contact person listed below.

JoAna McCoy, Title VI Coordinator  
Kentucky Transportation Cabinet  
Office for Civil Rights and Small Business Development  
(OCRSBD)  
200 Mero Street, Sixth Floor, West Wing  
Frankfort, KY 40622  
Phone: 800-928-3079 or 502-564-3601  
Fax: 502-564-1491  
Email: [JoAna.McCoy@ky.gov](mailto:JoAna.McCoy@ky.gov)

Complaints should be submitted in the following format with the listed information:

- In writing with an accompanying explanation of what happened
- The complainant's contact information
- Identification of the respondent
- Sufficient information regarding the allegation(s)
- Date(s) of the alleged act(s)
- Signature of the complainant or the complainant's representative

After receipt of the complaint, the Title VI Coordinator shall acknowledge the receipt in writing to the complainant. The acknowledgement shall include notification that an

investigation will be conducted within ten business days. A copy of the complaint and the acknowledgment will then be forwarded to the Federal Highway Administration (FHWA).

The Title VI Coordinator shall conduct a full investigation, when warranted, and furnish a preliminary written report, including recommendations for resolution to KYTC Secretary for a final determination. Personnel trained in compliance investigations will conduct investigations.

KYTC Secretary shall notify the complainant of the final decision within ten business days of completion of the investigation and a copy of the decision will be forwarded to the FHWA.

KYTC Secretary shall further notify the complainant of his or her right to appeal the decision to the FHWA if the decision is not acceptable. Appeals should be made in writing and forwarded to the address below:

Kentucky Division Federal Highway Administration

Civil Rights Division

P. O. Box 536

Frankfort, KY 40601

The entire procedure as outlined shall be completed within 60 days.

Records pertaining to complaints, inquiries and investigations will be maintained by the Office of Civil Rights & Small Business Development (OCR/SBD). (See Recordkeeping and Reporting section XII)

### **Form of Complaints**

Complaints shall be in writing and signed by the person(s) or representative and include the complainant's name, address and telephone number. Allegations of discrimination received by fax or e-mail will be acknowledged and processed.

Allegations received by phone will be reduced to writing and provided to the complainant for confirmation or revision before processing.

### **Agencies Authorized to Receive Complaints**

Complaints may be submitted to FHWA, KYTC, the United States Department of Transportation (USDOT), and the U.S. Department of Justice (USDOJ).



### **Processing Complaints**

Complaints filed with KYTC in which KYTC is named as the Respondent, shall be forwarded to FHWA, ATTN: HCR for processing.

Complaints received by HCR filed against Federal-aid sub-recipients and contractors will be sent to KYTC for investigation.

Complaints filed with KYTC against its sub-recipients shall be processed by KYTC in accordance with FHWA approved procedures as required pursuant to 23 CFR 200.

Complaints filed with a sub-recipient shall be forwarded to KYTC within three days of receipt.

### **Sub-recipients**

Complaints filed with a sub-recipient shall be forwarded to KYTC, OCRSBD, Attn: Title VI Coordinator, for processing.

In special cases warranting intervention to ensure justice, the FHWA may assume jurisdiction and either complete or obtain services to review or investigate a matter. Materials already obtained by State investigators may be relied upon or supplemented or the matter may be reinvestigated.

In accordance with the regulations at 23 CFR 200.9(b)(3), a copy of the complaint, together with a copy of KYTC report of the investigation, shall be forwarded to the FHWA Division Office within 60 days of the date the complaint was received by KYTC. An extension of an additional 60 days may be granted by the FHWA for justifiable reasons. KYTC will forward the complaint, through the FHWA Division Office, to HCR for review and issuance.

### **Receipt and Acceptance**

When any element of KYTC receives an inquiry, comment, or complaint, which alleges or implies discrimination as addressed by Title VI of the Civil Rights Act of 1964, a copy is forwarded immediately to the OCRSBD Executive Director and the FHWA Division Administrator. The original document will be forwarded to OCRSBD, which have responsibility for logging in the document and maintaining the required statistical data.

The OCRSBD Executive Director and FHWA Division Administrator or his designee in the Civil Rights office will discuss the matter to determine if it constitutes a Title VI complaint. If it is determined that the issues do not meet a Title VI complaint, the OCRSBD Executive Director will submit the appropriate response to HCR, thru the FHWA Division Office.

If it is determined that the issues constitute a Title VI complaint, the OCRSBD Executive Director or the Title VI Coordinator will determine responsibility and the need for additional information. KYTC/FHWA Division Administrator/his designee may request additional information and/or clarification. KYTC shall maintain a log of complaints filed with and investigated by KYTC.

The OCRSBD Executive Director will respond in writing, acknowledging receipt of complaint within 10 days from date of receipt. After reviewing the complaint, The OCRSBD Executive Director may recommend dismissal of a complaint for any of the following reasons:

1. The complaint filed in an untimely manner.
2. The complaint does not allege a basis covered by the statutes for which KYTC is responsible.
3. The complaint does not allege any harm with regard to covered programs or statutes.
4. The complainant requests the withdrawal of the complaint.
5. The complainant fails to respond to repeated requests for additional information needed to process the complaint.
6. The complainant cannot be located after reasonable attempts.
7. The complainant fails to accept a reasonable resolution. Reasonableness to be determined by the Headquarters Civil Rights (HCR) Office via the FHWA Division Office.
8. The complainant has filed a legal action in Federal District Court with the same basis and issue(s) involved in the complaint.
9. The same complaint's allegations have been filed with another Federal, State, or local agency.

Acceptance of a complaint will be determined by the following:

1. Timely filing of the complaint.
2. If the allegations involve a covered basis such as race, color, sex, age, national origin, disability, or retaliation.

3. If the allegations involve a program or activity of a Federal-aid recipient, sub-recipient, or contractor. All complaints received by KYTC will be logged for tracking purposes.

### **WITHDRAWAL**

The complainant may withdraw his or her complaint at any time after filing and prior to the issuance of a determination or resolution by the KYTC. The complainant must submit a written withdrawal to the following:

Executive Director

Office for Civil Rights and Small Business Development (OCRSBD)

200 Mero Street, Sixth Floor

Frankfort, KY 40622

### **APPEAL**

If a complaint cannot be resolved by the KYTC to the satisfaction of the complainant, the complainant may appeal, in writing, to the following:

Federal Highway Administration Kentucky Division

Office of Civil Rights

P. O. Box 536

Frankfort, KY 40601

Discrimination complaints may be filed with the FHWA before, during, or after the complaint has been filed with the KYTC.

This procedure does not deprive the complainant his or her right to file a complaint with:

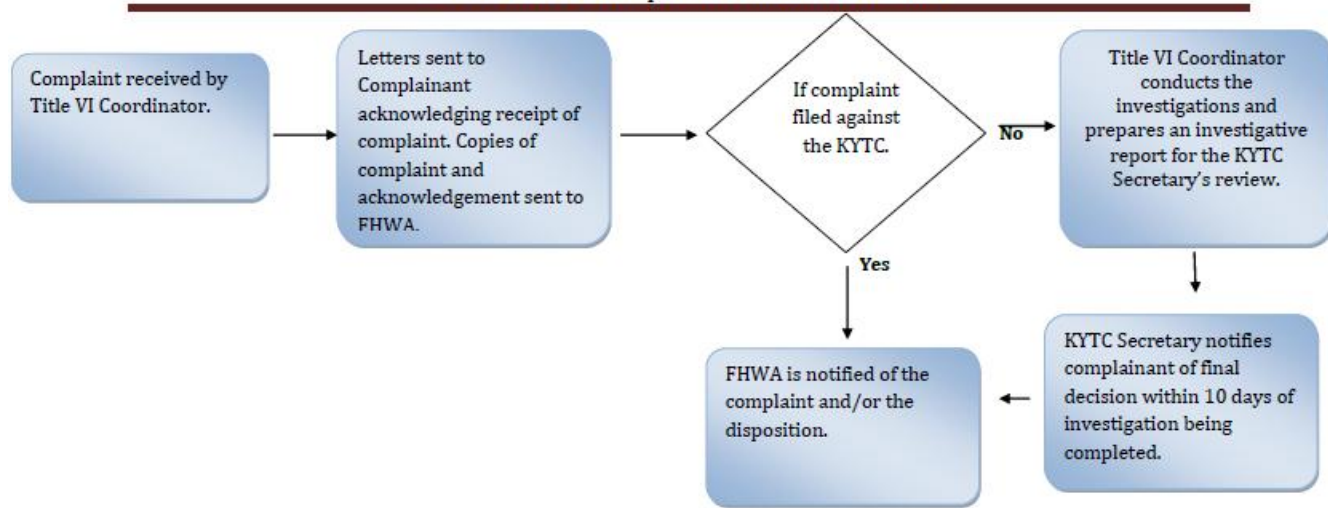
- The U.S. Department of Transportation: [www.dot.gov](http://www.dot.gov)
- The U.S. Department of Justice: [www.usdoj.gov](http://www.usdoj.gov)
- Federal Highway Administration: [www.fhwa.dot.gov](http://www.fhwa.dot.gov)

## **FINAL AGENCY REPORTS**

The Headquarters Civil Rights (HCR) Office via the FHWA Division Office will issue all Final Agency Decisions (FADs) and dismissals. KYTC will forward, through the FHWA Division Office, the investigative report, investigative file, and a recommended decision to the Chief, Investigations, and Adjudications.

The Department of Justice's Civil Rights Division takes the position that a Title VI finding of violation or no violation is a federal decision that cannot be delegated. Although a state recipient can conduct a Title VI investigation of its sub-recipients or contractors and make a recommendation to the Federal decision-making authority, KYTC must submit its proposed dispositions to FHWA for a Final Agency Decision. The HCR may request that further investigation be undertaken if the record of evidence is incomplete.

KYTC Title VI Complaint Process Flow Chart



## **XI. PUBLIC INVOLVEMENT**

The KYTC will disseminate Title VI Program information to employees, contractors, sub-recipients and beneficiaries, as well as to the public. A variety of public notification and participation procedures will be used to encourage the early and continuous involvement of citizens, communities, and others interested in the planning process and decisions of the KYTC.

The KYTC will discuss and/or distribute Title VI information using mass media including, but not limited to the following:

- Policy statements
- Inclusion of Title VI language in contracts
- New employee orientation
- Federal EEO posters
- KYTC website: <http://transportation.ky.gov/Pages/default.aspx> and intranet: <https://intranet.kytc.ky.gov/Pages/Home.aspx>
- Standard procedures manual
- Significant publications, e.g., newspapers, brochures, and written literature
- Mailings
- Meetings open to the public
- Events

Further, notices informing the public and all employees that the KYTC complies with Title VI of the Civil Rights Act of 1964 will be displayed in a prominent place.

Title VI Coordinator for the KYTC:

JoAna McCoy  
Kentucky Transportation Cabinet  
Office for Civil Rights and Small Business Development  
(OCRSBD)  
200 Mero Street, Sixth Floor, West Wing  
Frankfort, KY 40622  
Phone: 800-928-3079 or 502-564-3601  
Fax: 502-564-1491  
Email: JoAna.McCoy@ky.gov

## **XII. LIMITED ENGLISH PROFICIENCY (LEP)**

The KYTC is committed to compliance with Title VI of the Civil Rights Act of 1964 and all related regulations and directives. The KYTC assures that no person shall on the grounds of race, color, national origin, age, gender, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any KYTC services, program or activity.

The KYTC also assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. Therefore, in accordance with Presidential Executive Order 13166 – *Improving Access to Services for Persons with Limited Proficiency*, the KYTC will take reasonable steps to provide meaningful access to services for persons with LEP.

The KYTC has an on-going commitment to ensure effective communication by developing and implementing policies and procedures for identifying and assessing the language needs of its LEP applicants/clients; and provide for a range of language assistance options, which include, but are not limited to the following:

- Conduct needs assessment
- Kentucky Relay Service – TDD/Voice Users
- “I Speak” cards - two-sided bilingual cards with printed information about Language Access Rights, as well as a statement that requests an interpreter
- Written language service
- Qualified Bilingual staff
- Access to qualified interpreters
- Community-based organizations/volunteers
- Develop written assessment
- Monitor and evaluation access to language assistance

Executive Order 13166 directs recipients of federal financial assistance to make reasonable steps to provide LEP individuals with meaningful access to their programs, activities, and services. The following chart displays KYTC’s Division and Program areas and Title VI Program activities in relation to LEP services.

<b>Activity</b>	<b>KYTC Divisions/Programs</b>	<b>Title VI</b>
Assessing and addressing the needs of eligible persons	X	
Ensuring reasonable steps are taken to receive meaningful access to programs, activities, or services	X	
Developing and implementing monitoring control mechanisms to ensure delivery of service and ongoing compliance	X	
Compliance, monitoring, and oversight	X	X
Providing technical assistance and guidance		X
Reporting of goals and accomplishments	X	



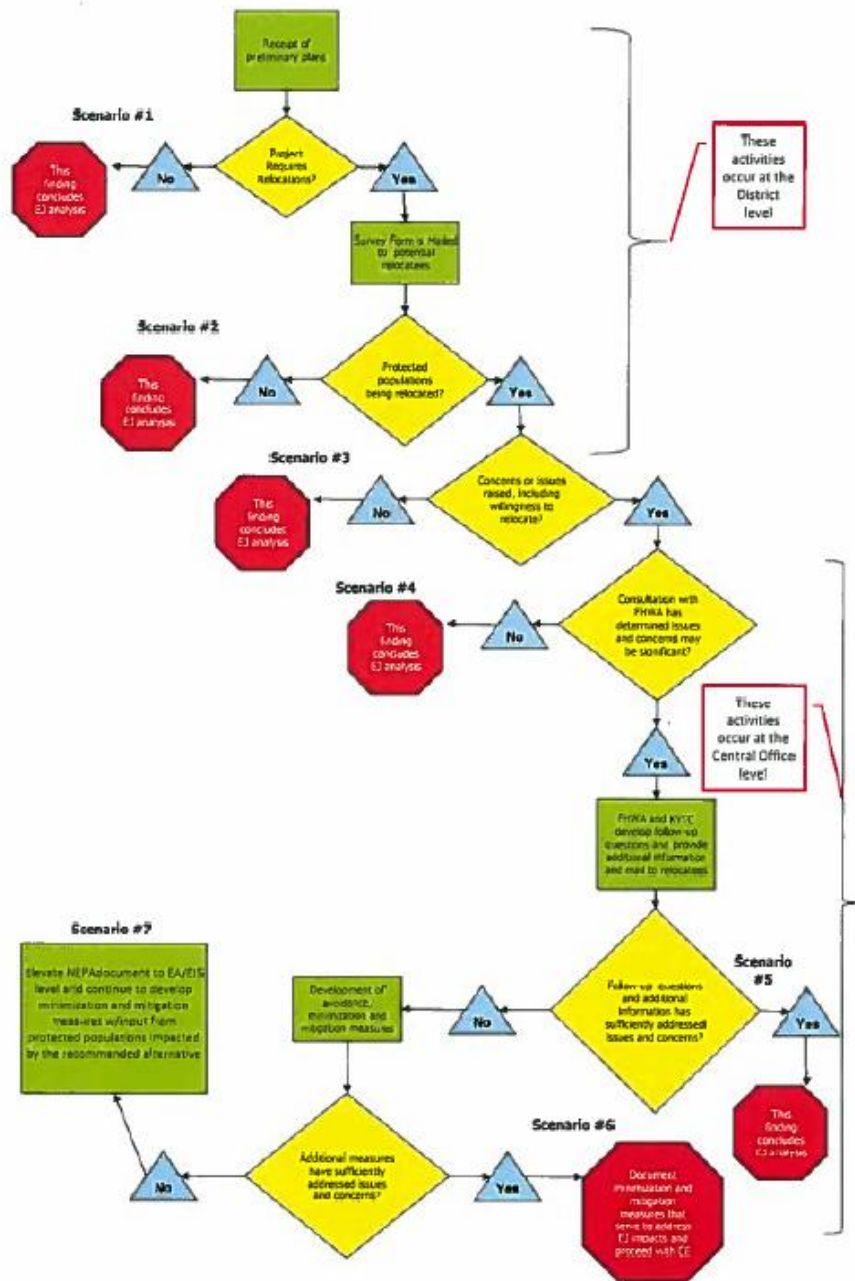
### **XIII. Environmental Justice**

The KYTC will utilize the US Census Bureau data, the American Community survey data, and the following checklist to identified targeted populations:

- Make a list of potential demographic groups to consider for the region or start with the required EJ populations defined by the Executive Order and supportive guidance
- Consider groups that are underrepresented in typical public involvement and transportation decision making processes, have limited access to the full benefits of the transportation system, or have encountered disproportionate impacts from past transportation decisions
- Decide on the level of detail required for identifying groups spatially and identifying data sources to use to conduct a spatial demographic profile
- Engage leaders and representatives of demographic groups to help identify target populations, spatially and non-spatially

The Department of Environmental Analysis combines the attached questionnaire (see Appendix A) and the responses

## Documentation for CE-level Projects



#### **XIV. REVIEW OF STA DIRECTIVES**

State Procedures, Manuals, and Directives Applicable to the Federal Highway Administration (FHWA) programs

The KYTC's Title VI Implementation Plan is designed to comply with the statues and requirements under the law and as directed by FHWA to accomplish the goals of the Title VI Act of 1964.

The table below is a list of internal and external manuals that include procedures and directives used by the Cabinet.

<b>DIVISION/OFFICE</b>	<b>PROCEDURES, MANUAL, DIRECTIVE</b>
Construction	Construction Guidance Manual
Construction Procurement	Construction Procurement Guidance Manual
Environmental Analysis	Information, Procedures, and Guidance Manual
Highway Design	Access Management Manual
Highway Design	Guidelines for Pedestrian & Bicycle Accommodations
Maintenance	Field Operations Guide
Maintenance	Maintenance Guidance Manual
OCRSBD	DBE Program Policy Statement
Office of Human Resource Management	General Administration & Personnel Manual
Office of Local Programs	Transportation Enhancement, Transportation Alternatives Program, Transportation Community and System Preservation
Office of Transportation Delivery	Oversight and implementation of various statewide public transit grants. Transportation grants offer general public transit services and assist in the mobility for the elderly, low income, and persons with disabilities

Materials	Aggregate Source Book
Professional Services	Professional Services Guidance Manual
Right of Way	Right of Way Guidance Manual
Right of Way	Relocation Assistance Program
Traffic Operations	Traffic Operations Guidance Manual

## **XV. COMPLIANCE/NON-COMPLIANCE REPORTING**

Throughout the year, the Title VI Coordinator periodically meets with various directors and division heads of KYTC to review the policies and procedures relative to Title VI. This includes, but it not limited to, a review of files and statistics of complaints received for investigation, and services offered to recipients and beneficiaries of KYTC's services.

The KYTC offices, departments, divisions who receive federal funds continually capture program compliance, although it is not always documented to denote such. Self-surveys are periodically sent to sub-recipients and sub-grantees. These self-surveys examine all facets of the programs offered by the agency surveyed. The OCRSBD will also conduct on-site reviews and assessments on a triennial basis. In instances in which the on-site and/or survey reveals that the agency or one or more of its programs is not in compliance with Title VI an investigation will be conducted by the Title VI Coordinator. Records of the self-survey and efforts expended to bring the agency into compliance will be maintained. These will include correspondence, resolution, and corrective actions.

In the event of non-compliance with this, plan or applicable regulations and laws are determined via a complaint investigation or through the self-survey process; the KYTC will make every effort to attain full compliance.

The Title VI Coordinator shall notify the appropriate program head in the event a complaint investigation, compliance review, or self-survey indicates non-compliance. The notification shall state the condition of non-compliance, recommended approach to correct the situation, and the time period for the response and corrective action. The Title VI Coordinator may conduct an interview to consult with the program head regarding the correct approach to remedy non-compliance.

## **XV. APPENDIX**

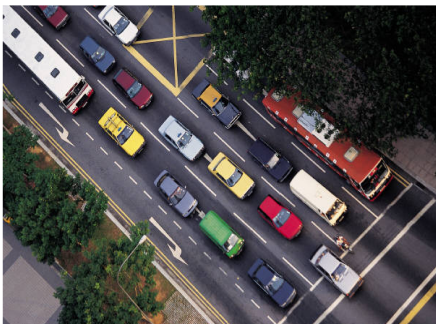
The Appendix contains the KYTC EEO Policy.

## DID YOU KNOW?...

As a recipient of federal funds received from the United States Department of Transportation (USDOT), including the Federal Highway Administration (FHWA), the Kentucky Transportation Cabinet (KYTC) is committed to ensure and enforce nondiscrimination in its programs, services, and activities, and to promote and engage the participation of all people regardless of race, color, national origin, sex, age, disability and socioeconomic status.

The KYTC conducts Title VI reviews of cities, counties, consultants, contractors, suppliers, universities, colleges, planning agencies, and other recipients of Federal-aid highway funds.

Specific program activities which require review by the KYTC are: Planning, design, project development, contract negotiation, relocation assistance, appraisal, demolition, grave removal, research programs, transportation improvement programs and projects, education and training, public involvement process, right-of-way



including preparation for title work, construction, including bid process and award.

### TITLE VI/ ENVIRONMENTAL JUSTICE (EJ)

*"Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate,*

*disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations."*

#### *Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low- Income Populations, 1994*

EJ applies to all transportation decisions. The KYTC actively identifies and addresses the effects of all its programs, policies, and activities on "minority populations and low-income populations."

The KYTC makes every attempt to consider the needs of minority and low-income populations when beginning a planning process for a transportation project, so that adverse environmental effects do not occur. Adverse effects include, but are not limited to:

1. Destruction or disruption of community cohesion or a community's economic vitality.
2. Destruction or disruption of the availability of public and private facilities and services.
3. Displacement of persons, businesses, farms, or nonprofit organizations.
4. Increased traffic congestion, isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community.
5. The denial of, reduction in, or significant delay in the receipt of benefits of KYTC programs, services or activities.

### LIMITED ENGLISH PROFICIENCY (LEP)

Title VI regulations and Executive Order 13166 "Improving Access to Services for Persons with Limited English Proficiency" requires KYTC to examine the services it provides and take reasonable steps to ensure that LEP persons have meaningful

access to important federally conducted programs, services, activities and benefits.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities.

These individuals may be entitled to language assistance services with respect to a particular type of service or benefit.

### PROHIBITED DISCRIMINATORY ACTS

Under Title VI a recipient of Federal financial assistance may not, based on race, color or national origin:

- Deny services, financial aid or other benefits provided as a part of programs, services or activities.
- Provide a different service, financial aid or other benefit, or provide them in a different manner from those provided to others under the program.
- Segregate or separately treat individuals in any matter related to the receipt of any service, financial aid or other benefit....



TRANSPORTATION CABINET

Frankfort, Kentucky 40622  
www.transportation.ky.gov

Steven L. Beshear  
Governor

Michael W. Hancock, P.E.  
Secretary

EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

SPECIAL ORDER 107329

It is the policy of the Kentucky Transportation Cabinet ("Cabinet") to assure equal employment opportunities to all persons. All Cabinet employees and applicants for employment shall be treated impartially and without regard to race, color, religion, national origin, sex, sexual orientation or gender identity, ancestry, age, disability or veteran status in all aspects of employment, including but not limited to recruitment, hiring, compensation, reassignment (awards), benefits, merit promotions, demotions, transfers or reassignments, disciplinary actions, lay-offs and other terminations, training and career development within the Cabinet.

The Cabinet policy further prohibits discrimination and harassing behavior on account of race, color, religion, national origin, sex, sexual orientation or gender identity, ancestry, age, disability or veteran status. Such discrimination or harassing behavior will not be tolerated and allegations of discrimination or harassing behavior will be immediately investigated, and where allegations are substantiated, appropriate action will be taken.

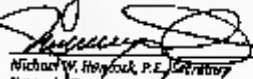
The Cabinet also maintains the same impartial and nondiscriminatory policy in the selection of persons, firms or businesses that do business with the Cabinet.

Cabinet head and management personnel shall be responsible to ensure this policy is announced and enforced throughout this agency. Employees or applicants for employment seeking assistance in these matters may contact the Office of Human Resources Management, Employee Relations Branch at 502-566-4610 and/or the Office for Civil Rights and Small Business Development at 502-564-3601.

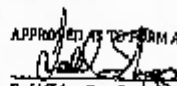
This policy shall be prominently posted in all personnel offices, EEO offices, and on the Cabinet's internet website.

Retaliatory action of any kind is prohibited, will not be tolerated and will be regarded as a separate and distinct cause for complaint. The Cabinet supports the rights of all employees to exercise their rights under the civil rights statutes.

Signed and approved this 10<sup>th</sup> day of January, 2012.

  
Michael W. Hancock, P.E., Secretary  
Kentucky Transportation Cabinet

APPROVED AS TO FORM AND LEGALITY

  
Todd Shipps, Esq., Special Assistant  
Office of Legal Services



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